

To: Eximius Coffee, L.L.C. (mail@egbertlawoffices.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86262060 - ALDECOA - 2984-1
Sent: 8/9/2016 10:25:53 AM
Sent As: ECOM112@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86262060

MARK: ALDECOA

86262060

CORRESPONDENT ADDRESS:

JOHN S EGBERT
EGBERT LAW OFFICES PLLC
1314 TEXAS ST FL 21
HOUSTON, TX 77002-6577

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Eximius Coffee, L.L.C.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

2984-1

CORRESPONDENT E-MAIL ADDRESS:

mail@egbertlawoffices.com

OFFICE ACTION

ISSUE/MAILING DATE: 8/9/2016

THIS IS A FINAL ACTION.

This Office action is in response to the Trademark Trial and Appeal Board's remand of jurisdiction filed on August 1, 2016. *See* TMBP 1205.01.

On March 3, 2015 the examining attorney issued a final refusal of the application under Section 2(e)(4) of the Lanham Act, this was the only ground for refusal. On March 13, 2015 the applicant filed an Amendment to Allege Use which was accepted by the examining attorney. Applicant appealed the examiner's decision to the Trademark Trial and Appeal Board on September 2, 2015. In applicant's appeal brief dated November 2, 2015, the applicant brought up a new issue that was not handled in any of the previous filings or correspondence, applicant sought registration on the supplemental register – in the alternative - should the Board affirm the decision of the examining attorney. The Board has remanded jurisdiction to the examining attorney to render examination on this singular issue.

At this juncture the only ground for refusal of the application continues to be Section 2(e)(4) of the Lanham Act, that the mark is primarily merely a surname. This issue was made final in the March 3, 2015 Office action. Applicant's alternative argument for registration does not immediately obviate the Section 2(e)(4) refusal; however, such an amendment is acceptable should the Board affirm the examining attorney and would obviate the Section 2(e)(4) refusal. Jurisdiction will be restored to the Board and the appeal will resume now that examination as to applicant's amendment to seek registration on the Supplemental Register in the alternative has been decided. *See* TMBP 1204; TMEP §715.04(b).

/Charles H Hiser IV/
Examining Attorney
Law Office 112
(571) 272-7526

charles.hiser@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: Eximius Coffee, L.L.C. (mail@egbertlawoffices.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86262060 - ALDECOA - 2984-1
Sent: 8/9/2016 10:25:55 AM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **8/9/2016** FOR U.S. APPLICATION SERIAL NO. 86262060

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **8/9/2016** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.